



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2004 - 46

HOURS OF SERVICE OF DRIVERS OF GAS AND/OR ELECTRIC UTILITY SERVICE VEHICLES

WHEREAS, the welfare of the citizens of the state of Louisiana is jeopardized by any occurrence, natural or man-made, that interrupts the delivery of gas and electrical services;

WHEREAS, 49 C.F.R. §350.201, *et seq.*, of the Federal Motor Carrier Safety Regulations, requires each state to assume responsibility for improving motor carrier safety and adopting and enforcing safety laws and regulations that are compatible with new federal hours of service regulations as soon as practical, but no later than June 27, 2006, as a condition for Commercial Motor Carrier Safety Assistance Program funding;

WHEREAS, transportation performed by state, federal and local governments is exempt from the new federal hours of service regulations by 49 C.F.R. §390.3(f)(2); and

WHEREAS, application of the new federal hours of service regulations to the drivers of gas and/or electric utility service vehicles engaged solely in intrastate commerce within the state of Louisiana may impair the ability of gas and/or electric utilities from expeditiously restoring services by prohibiting drivers from working extended hours while assisting in the restoration of gas and/or electric utility services;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Notwithstanding any provision of the Louisiana Administrative Code to the contrary, the amendments to the hours of service regulations promulgated on April 28, 2003, at 68 F.R. 22456-01 by the U.S. Department of Transportation, effective June 27, 2003, (hereafter "Federal Hours of Service Regulations") shall not be applicable to the drivers of gas and/or electric utility service vehicles as defined in 49 C.F.R. §395.2, which are engaged solely in intrastate commerce within the state of Louisiana and operated by gas and/or electric utilities regulated by the Louisiana Public Service Commission or the city of New Orleans (hereafter "Drivers of Utility Service Vehicles"), while this Order is in effect.

SECTION 2: Regulations on hours of service that were in effect and applicable to Drivers of Utility Service Vehicles on June 26, 2003, shall apply to Drivers of Utility Service Vehicles while this Order is in effect.

SECTION 3: Any rule and/or regulation promulgated by the Department of Public Safety and Corrections after this Order is issued, which adopts the Federal Hours of Service Regulations, shall not be applicable to Drivers of Utility Service Vehicles while this Order is in effect.

SECTION 4: If federal law and/or regulations are amended to exempt Drivers of Utility Service Vehicles from the Federal Hours of Service Regulations, the exemption shall be effective immediately in this state for the duration of the federal exemption.

- SECTION 5:**
- A. This Order is effective upon signature and shall remain in effect until amended, modified, terminated or rescinded by the governor, or terminated by operation of law.
 - B. This Order shall be immediately terminated upon a finding by or notification from the U.S. Department of Transportation that the application of Sections 1 and/or 3 of this Order will result in the loss of Federal Motor Carrier Safety Assistance Program funding.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 16th day of November, 2004.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

/S/ Fox W. McKeithen
SECRETARY OF STATE